

REMARKS

The Examiner requested that Applicant elect between Species I-IV. Applicant elects Species I. Applicant has, by this amendment, canceled claims 87-88, and added new claims 89-141.

The Examiner stated that claims 51-79 of Species I are directed to a biological agent that includes at least one of trapidil and/or GM-CSF. This characterization of the claim is not entirely correct since claim 51 states that the biological agent includes a compound "selected from the group consisting of Trapidil, GM-CSF, Taxol, rapamycin, and mixtures thereof, said biological agent including at least one of Trapidil, GM-CSF, or mixtures thereof". As such, claim 51 is broader in scope than the Examiner set forth in the Office Action.

Species II is directed to claims 80-86. Claim 80 requires the biological agent to include Trapidil and a second compound selected from the group consisting of GM-CSF, Taxol, rapamycin and mixtures thereof. As such, claim 80 defines a specific composition of the biological agent that is also covered in claim 51. As such, claim 51 is generic to claim 86. Applicant requests that the election regarding claims 80-86 be withdrawn.

Applicant submits that the claims pending in the above-identified patent application are all directed to the elected species and are in allowable form, and a notice to such effect is earnestly solicited.

Respectfully submitted,
FAY SHARPE LLP

By:

BRIAN E. TURUNG
Reg. No. 35,394
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
Telephone: (216) 861-5582
Facsimile: (216) 241-1666